

Notice of Allowability

Application No.

10/063,967

Examiner

Katherine A. Bareford

Applicant(s)

LAU ET AL.

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment of 1/12/04.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☒ The drawings filed on 30 May 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: ____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. ____.
 - (b) ☐ including changes required by the proposed drawing correction filed ____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. ____. |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. ____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: in the after final amendment filed January 12, 2004, applicant overcame the remaining 35 USC 103 rejections to the claims, which were the only remaining rejections to the claims. Specifically, as to (1) the rejection of claims 1-25 using EP 1 142 850 A1 (hereinafter '850) in view of Gray et al (US 6180184), applicant filed an acceptable 37 CFR 1.131 Declaration swearing behind the reference to '850, which had a publication date of October 10, 2001, within one year of the May 30, 2002 filing date of the present application. As a result, the rejection of claims 1-25 using '850 in view of Grey is withdrawn, as '850 is not available as a reference and Grey alone does not teach or suggest all the features as claimed, such as the claimed "second" ceramic layer with yttria-stabilized zirconia with mullite or alkaline-earth metal aluminosilicate (as in claim 1; this would be the "third" layer of claim 14). As to (2) the rejection of claims 1-25 using Wang et al (US 6444335) in view of Grey, Wang was published September 3, 2002, and thus is available as a 35 USC 103 rejection by way of 35 USC 102(e). Applicant has filed an acceptable statement indicating that at the time applicant's invention was made, the inventors identified in the present application and in Wang were employed by the General Electric Company and contractually bound by their employment agreement to assign their patent applications to the General Electric Company. As a result, the rejection of claims 1-25 using Wang in view of Grey is withdrawn, as Wang is not available as a reference and Grey alone does not teach or suggest all the features as claimed, such as the claimed "second" ceramic layer with yttria-stabilized zirconia with mullite or alkaline-earth metal aluminosilicate (as in claim 1; this would be the "third" layer of claim 14).

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. The Examiner notes that in the after final amendment of January 12, 2004, applicant noted that the last Office Action, there was a section labeled "Claim Objections" and asked whether the claims were subject to an objection. The Examiner notes that there is no pending objection to the claims. The section labeled "Claim Objections" in the October 10, 2003 Office Action was merely noting the changes to the claims that applicant had made in the amendment of September 8, 2003.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (571) 272-1413. The examiner can normally be reached on M-F(6:30-4:00) with the First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (571) 272-1415. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1700.


KATHERINE A. BAREFORD
PRIMARY EXAMINER
GROUP 1100 1700